

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCUS LE JON WILLIAMS,

Defendant.

CR 23–26–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 52.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Williams is charged with one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count I), one count of attempted possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 846 (Count II), one count of prohibited person

in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count III), and one count of possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count IV), as set forth in the Superseding Indictment. (Doc. 21.) Judge DeSoto recommends that this Court accept Williams's guilty plea as to Count II after Williams appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. In light of the United States' motion for preliminary order of forfeiture (Doc. 54), the Court will address the issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 52) is ADOPTED in full.

IT IS FURTHER ORDERED that Williams's motion to change plea (Doc. 45) is GRANTED.

IT IS FURTHER ORDERED that Williams is adjudged guilty as charged in Count II of the Superseding Indictment.

DATED this 22nd day of December, 2023.

